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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/420,503	10/18/1999	CAMERON STUART BIRSE	004860.P2434	2896

7590

04/19/2002

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EXAMINER

VU, THONG H

ART UNIT

PAPER NUMBER

2152

DATE MAILED: 04/19/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

PRH

Office Action Summary

Application No.

09/420,503

Applicant(s)

BIRSE ET AL.

Examiner

Thong H Vu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 October 1999.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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1. This office action is in response to Application filed 10/18/99. Claims 1-3 are pending. The rejection is cited as stated below.

2. Claims 1-3 are rejected under 35 U.S.C. § 103 as being unpatentable over McCall et al [McCall 6,317,826 B1] in view of Day et al [Day 6,016,400]

3. As per claims 1-3, McCall discloses the invention substantially as claimed, including a method of managing a network computer (NC) system including an NC server and a plurality of NC clients, the method comprising:

an NC client of the plurality of NC clients causing those of the plurality of NC clients that are subsequently booted to receive operating system software that is configured differently than that currently in effect by replacing one or more system volumes on the NC server containing the operating system software with one or more different system volumes.

which is equivalent to a client system using bootstrap program subsequently download an operating system image from server to local memory, the client then boots from the operating system image in memory, with the client system being adapted to modify the operating system image in memory, without reloading the image from network, and reboot the client system [abstract, col 1 lines 55-67, col 2 lines 25-47. 57-col 3 line 17, col 4 lines 57-64, col 5 lines 1-16]. However McCall does not detail the server with one or more different system volumes. It is well-known in the art that a network server holds one or more different system volumes. A skilled artisan would have motivation to improve the server on McCall's apparatus and found Day's teaching.

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Day discloses a method for preloading software on a computer system including a server with different language version [Day col 1 lines 29-40].

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the server with different volumes or versions as taught by Day into the McCall's apparatus in order to improve the server capacity. Doing so would provide a dynamic, simple and efficient process to control the communication between client and server.

Thus, as explained above, the system and method of claims 1-3 is obvious in view of the combination of references.

4. Claims 1-3 are rejected under 35 U.S.C. § 102[e] as being anticipated by Chase-Salerno et al [Chase 6,253,209 B1]

5. As per claims 1-3, Chase discloses the invention substantially as claimed, including a method of managing a network computer (NC) system including an NC server and a plurality of NC clients, the method comprising:

an NC client of the plurality of NC clients causing those of the plurality of NC clients that are subsequently booted to receive operating system software that is configured differently than that currently in effect by replacing one or more system volumes on the NC server containing the operating system software with one or more different system volumes.

which is equivalent to a AIX workstation (or server) using multiple different copies of operating system to boot a node (or client), the copies are actually different version of operating system [Chase col 3 lines 5-45, col 4 lines 40-67]. Chase also discloses the

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system provide a number of copies requested by user [Fig 4 col 9 lines 40-56] and initiate mirroring of operating system image (or copy) at the node [col 9 lines 56-col 10 line 5], and the user modify existing volume [Fig 7 col 10 line 59-col 11 line 8]

6. Claims 1-3 are rejected under 35 U.S.C. § 102[e] as being anticipated by Jollands [6,292,941 B1]

7. As per claims 1-3, Jollands discloses the invention substantially as claimed, including a method of managing a network computer (NC) system including an NC server and a plurality of NC clients, the method comprising:

an NC client of the plurality of NC clients causing those of the plurality of NC clients that are subsequently booted to receive operating system software that is configured differently than that currently in effect by replacing one or more system volumes on the NC server containing the operating system software with one or more different system volumes.

which is equivalent to a local computer (client) connects to a remote management computer (or server) which automated install an operating system [col 1 line 62-col 2 line 10]. Jollands also teach a database in central computer (or server) provides a set of modules (or different volumes) [col 2 lines 12-34] contains files for operating system images [col 4 lines 51-65], the operating system is installed by command 'boot net-install' [Fig 9 col 8 lines 20-50] and the operating system is customized at a local computer [col 3 lines 8-30].

Thus, as explained above, the system and method of claims 1-3 is anticipated in view of the prior art

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Thong Vu, whose telephone number is (703)-305-4643. The examiner can normally be reached on Monday-Thursday from 8:00AM- 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Mark Rinehart*, can be reached at (703) 305-4815.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9700.

Any response to this action should be mailed to: Commissioner of Patent and Trademarks, Washington, D.C. 20231 or faxed to :

After Final (703) 746-7238

Official: (703) 746-7239

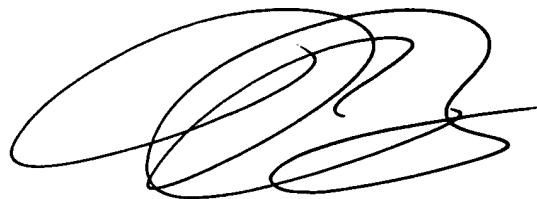
Non-Official (703) 746-7240

Hand-delivered responses should be brought to Crystal Park 11,2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

Thong Vu

Patent Examiner

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MARK H. RINEHART
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100